

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MELISSA METZ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 21-cv-404-DWD

MEMORANDUM AND ORDER

DUGAN, District Judge:

Before the Court is the parties' Joint Stipulation to Remand to the Commissioner. (Doc. 28).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See, Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, "[o]n remand, the ALJ will: (1) provide the claimant with the opportunity for a new hearing; (2) evaluate medical opinions of record; (3) consider Plaintiff's symptoms; (4) assess Plaintiff's residual functional capacity and proceed with the sequential evaluation, as necessary; and (5) issue a new decision."

For good cause shown, the parties' Joint Stipulation to Remand to the Commissioner (Doc. 28) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Plaintiff's application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

Dated: May 16, 2022

/s David W. Dugan

DAVID W. DUGAN
United States District Judge